

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JOYCE MARIE HAMPTON, §
§
Plaintiff, § Civil Action No. **3:17-CV-1833-L-BT**
v. §
§
GLEND A M. HAMPTON, *et al.*, §
§
Defendants. §

ORDER

The case was referred to Magistrate Judge Paul D. Stickney,* who entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on September 13, 2017, recommending that the court dismiss with prejudice as frivolous this action under 28 U.S.C. § 1915(e). On the same date, Judge Stickney denied Plaintiff’s Motion for Emergency Hearing. No objections to the Report were filed, but Plaintiff filed an Addendum for Emergency Hearing on September 13, 2017 (Doc. 16), in which she again requests a hearing.

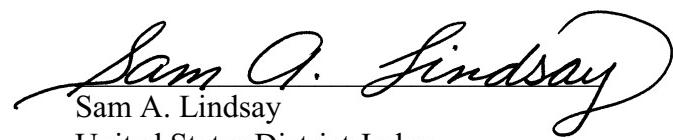
After carefully reviewing the pleadings, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, **accepts** them as those of the court, and **dismisses with prejudice** this action as frivolous pursuant to 28 U.S.C. § 1915(e). The court also **denies as moot** Plaintiff’s request for a hearing (Doc. 16).

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir.

* By Special Order No. 3-316, all matters referred to Judge Stickney were automatically referred to United States Magistrate Judge Rebecca Rutherford on January 26, 2018, after Judge Stickney’s retirement.

1997). The court **concludes** that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

It is so ordered this 2nd day of April, 2018.



Sam A. Lindsay
United States District Judge